

To Whom it May Concern: The Maryland State Historic Preservation Officer (MD SHPO) supports the development of a Nationwide Programmatic Agreement among the Federal Communications Commission, the National Conference of State Historic Preservation Officers, and the Advisory Council on Historic Preservation. We have reviewed the draft programmatic agreement and offer the following comments to be taken into consideration.

The MD SHPO is pleased to see reference to the use of qualified professionals both in a Whereas clause and in the second paragraph of Section VI.

We do have concern with Exclusion 4 [Section III.A.] that exempts review of facilities on industrial properties. We agree with the Ohio SHPO's suggestion that the distance in which there should be no structure greater than 45 years old should be increased.

Regarding Exclusion 5 [Section III.A.], which addresses facilities near travel corridors, we believe that either the "opt-out" suggested by the Conference in Footnote 5 should be included or that the exclusion not be/ applicable when there are any eligible or listed properties within  $\frac{1}{4}$  mile not just National Park properties [Section III.A.5.(3)].

We are very pleased with the clear direction on public participation provided in Section V.

Regarding the suggested APEs [Section VI.A.2.a.], we agree with the Conference's suggestion that APEs should be negotiated for towers greater than 1,000 feet.

In the Evaluation of Effects [Section VI.E.3.], PCIA suggests a change in the wording regarding what should be considered an adverse effect. The MD SHPO does not agree with this suggestion but believes that it should remain as currently stated. PCIA suggests that an Undertaking would have an adverse effect only when the Facility is within an historic property's boundary. We believe that is too limiting. It is possible that a Facility could constitute an adverse effect if adjacent to an historic property.

In the Procedures Section [VII.A.4.], the PA requires the Applicant to resubmit an amended Submission Packet within 60 days. We do not see the need for a time limit here.

Regarding the section on Determinations of No Adverse Effect [Section VII.C.5.], the MD SHPO agrees with the Council's suggestion that if a determination of "Adverse Effect" is made, the Applicant "shall" rather than be "encouraged to" investigate measures that would avoid the adverse effect and result in a conditional "No Adverse Effect" determination.

Our final comments are with regard to Attachments 3 and 4 the New Tower (Form NT) and Collocation (Form CO) Submission Forms.

The following comments are applicable for both forms:

In Section 4.b. (Previously Identified Historic Properties), there seems to be no consideration for properties that have been identified and inventoried at the state level, but not evaluated for eligibility. Some wording that clarifies this is suggested. This also applies to the wording of Section 4.c. (Field Survey Results).

Regarding the exhibits requirements in Section 6.a. (Photos), we would like to note that the MD SHPO typically requires formal determinations of eligibility to

be submitted with black and white photographs and in accordance with state guidelines. This does not apply to previously unidentified properties determined to be ineligible. While we encourage some language to allow for adherence to our current guidelines, we will comply with the PA should it be executed.

Additionally in Section 6.b. (Maps), the MD SHPO prefers that historic properties be identified on USGS quad maps, because that is how all of our Inventoried properties are mapped.

The following comment is applicable to Form CO:

Our only concern with Form CO is that the Background Section of the "Element of Collocation Submission Packet (Form CO)" does not seem to take into consideration collocations on existing buildings.

In summary, we repeat our support for the PA as a whole. It has been well thought out and organized and with exception of a few minor details, follows the same standards already used by the MD SHPO. We look forward to execution of the final agreement.

J. Rodney Little  
Director/State Historic  
Preservation Officer